

Applicants: Elena Feinstein and Orna Mor
Serial No.: 09/825,682
Filed: April 4, 2001
Page 2

Please cancel claims 3 and 8 without disclaimer or prejudice to applicants' right to pursue the subject matter of these claims in a future continuation or divisional application.

Please amend claims 1-2, 4, 7, 9, and 24 as follows:

1. (Amended) A method of diagnosing bladder cancer in a subject which comprises the step of:

determining, in a sample from the subject, the level of expression of at least two polypeptide-encoding polynucleotides, wherein a higher level of expression of the polynucleotides compared to the level of expression of the polynucleotides in a subject free of bladder cancer is indicative of bladder cancer, and wherein the polypeptide-encoding polynucleotides are selected from the group consisting of:

- a. the polynucleotides having sequences represented by SEQ ID NOS: 57, 56, one of 41 or 42, 45, 61, 48, 51, 47, 55, 58, 43, 44, 53, 49, 60, 59, 52, 46 and 50 ;
- b. polynucleotides having sequences that differ from the polynucleotides in (a), without changing the polypeptides encoded thereby; and
- c. polynucleotides which are at least 70% homologous to the polynucleotides of (a).

Applicants: Elena Feinstein and Orna Mor
Serial No.: 09/825,682
Filed: April 4, 2001
Page 3

- C1
2. (Amended) The method according to claim 1, wherein said determining step includes determining the level of expression of at least two polypeptide-encoding polynucleotides, wherein the polypeptide-encoding polynucleotides are selected from the group consisting of the polynucleotides having sequences represented by SEQ ID NOS : 57, 56, one of 41 or 42, 45, 61, 48, 51, 47, 55, 58, 43, 44, 53, 49, 60, 59, 52, 46 and 50.
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- C2
4. (Amended) The method according to claim 1, wherein the determining step includes using mRNA from an expressed gene to hybridize to at least two polynucleotides selected from the group consisting of the polynucleotides having sequences represented by SEQ ID NOS: 57, 56, one of 41 or 42, 45, 61, 48, 51, 47, 55, 58, 43, 44, 53, 49, 60, 59, 52, 46 and 50.
-

- C3
7. (Amended) A method of diagnosis of stageTa in transitional cell carcinoma in a patient which comprises:
determining, in a sample from the patient, the level of expression of at least two polypeptide-encoding polynucleotides, wherein a higher level of expression of the polynucleotides compared to the level of expression of the polynucleotides in a patient free of transitional cell carcinoma is indicative of stageTa , and wherein the polypeptide-encoding polynucleotides are selected from the group consisting of:

Applicants: Elena Feinstein and Orna Mor
Serial No.: 09/825,682
Filed: April 4, 2001
Page 4

- C3
- a. the polynucleotides having sequences represented by SEQ ID NOS: 57, 56, one of 41 or 42, 45, 61, 48, 51, 47, 55, 58, 43, 44, 53, 49, 60, 59, 52, 46 and 50;
 - b. polynucleotides having sequences that differ from the polynucleotides in (a), without changing the polypeptides encoded thereby; and
 - c. polynucleotides which are at least 70% homologous to the polynucleotides of (a).
-

- C4
9. (Amended) A method of differential diagnosis of stageT1 in transitional cell carcinoma in a patient which comprises:

determining, in a sample from the patient, the level of expression of at least two polypeptide-encoding polynucleotides, wherein a higher level of expression of the polynucleotides compared to the level of expression of the polynucleotides in a patient free of transitional cell carcinoma is indicative of stageT1, and wherein the polypeptide-encoding polynucleotides are selected from the group consisting of:

- a. the polynucleotides having sequences represented by SEQ ID NOS: 57, 56, one of 41 or 42, 45, 61, 48, 51, 47, 55, 58, 43, 44, 53, 49, 60, 59, 52, 46 and 50;

Applicants: Elena Feinstein and Orna Mor
Serial No.: 09/825,682
Filed: April 4, 2001
Page 5

C4
b. polynucleotides having sequences that differ from the polynucleotides in (a), without changing the polypeptides encoded thereby; and

c. polynucleotides which are at least 70% homologous to the polynucleotides of (a).

C5
24. (Amended) The method according to claim 1, wherein the bladder cancer is transitional cell carcinoma.

Please add new claims 26-29 as follows:

C6
--26. (New) The method of claim 1, wherein the level of expression of at least three polypeptide-encoding polynucleotides is determined.--

--27. (New) The method of claim 2, wherein the level of expression of at least three polypeptide-encoding polynucleotides is determined.--

--28. (New) The method of claim 1, wherein the polynucleotides of group (a) are selected from polynucleotides having sequences represented by SEQ ID NOS: 57, 56, one of 41 or 42, and 45.--

--29. (New) The method of claim 2 wherein the polynucleotides of group (a) are selected from polynucleotides having sequences represented by SEQ ID NOS: 57, 56, one of 41 or 42, and 45.--

Applicants: Elena Feinstein and Orna Mor
Serial No.: 09/825,682
Filed: April 4, 2001
Page 6

A marked-up version of the amendments made herein is attached hereto as **Exhibit A**. Support for the preceding amendments to certain claims and for new claims can be found throughout the specification as filed. Specifically, amendments to claims 1, 2, 4, 7, and 9 incorporate the sequence ID NOS added to Table 6 in the August 1, 2002 Amendment and Communication in Response to July 2, 2002 Notice to Comply With Requirements for Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures. Claim 24 was amended to change the dependency to reflect the election in response to the restriction requirement which follows hereafter. Support for the phrases "at least two" in claims 1, 2, 4, 7 and 9 and "at least three" in claims 26 and 27 can be found, *inter alia*, on page 46, lines 35-37 and page 47, lines 1-5 of the specification. Moreover, each of the new claims 26-29 merely reflect a subset of subject matter of the claims from which they depend.

REMARKS

Claims 1-25 were pending in the subject application. Applicants hereinabove have canceled claims 3 and 8 without disclaimer or prejudice, amended claims 1, 2, 4, 7, 9, and 24 and added new claims 26-29. Accordingly, claims 1-2, 4-7, and 9-29 are now pending and presented for the Examiner's consideration.

Restriction Requirement

In the October 2, 2002 Office Action, the Examiner required